

JASON S. LEIDERMAN, SBN 203336
jay@criminal-lawyer.me
LAW OFFICES OF JAY LEIDERMAN
5740 Ralston Street, Suite 300
Ventura, California 93003
Tel: 805-654-0200
Fax: 805-654-0280

Attorney for Plaintiffs
JAMES MCGIBNEY
VIAVIEW, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, an individual, and
VIAVIEW, INC, a corporation,

Plaintiffs,

vs.

THOMAS RETZLAFF, an individual,
LANE LIPTON, an individual, and
DOES 1-5, individuals whose true names are not
known,

Defendants.

) Case No.: 5:14-cv-01059 BLF

) **PLAINTIFF'S OPPOSITION/OBJECTION**
) **TO DOCUMENTS 89 AND 90 AND MOTION**
) **PURSUANT TO FRCP 12(f) TO STRIKE**
) **DEFENDANT RETZLAFF'S SUBMISSION**
) **OF SAID DOCUMENTS; DECLARATION**
) **OF JAY LEIDERMAN.**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLAINTIFF'S OPPOSITION / OBJECTION TO DOCUMENTS 89 AND 90
AND MOTION PURSUANT TO FRCP 12(f) TO STRIKE
DEFENDANT RETZLAFF'S SUBMISSION OF SAID DOCUMENTS

Plaintiffs hereby object to Retzlaff's request to appear by telephone at the November 20, 2014 hearing (Document 90) in that it is duplicative of document ___, has previously been denied upon the same facts, and still tells the same old lies. Indeed, if Retzlaff does not live in Phoenix anymore and

1 moved back to San Antonio, such that his trip numbers (not under penalty of perjury, as usual) are
2 somewhat more realistic, he failed to notify the Court and Counsel of a change of address.

3
4 Plaintiff also objects to Retzlaff's application for *Pro Bono* counsel (Document 89). We object in
5 general to the inappropriateness of appointing limited counsel in this case at all (see Local Rule 11-5).
6 We also object and move to strike, yet again, pursuant to FRCP 12(f) in that Retzlaff again fails to put
7 any of the pertinent information in his application under penalty of perjury and that his application could
8 be fairly read as another *ad hominem* attack on counsel that contains statements of fabricated "facts,"
9 grossly mischaracterized "facts," or just plain irrelevant, impertinent and material put into the motion for
10 purposes of creating a scandal. It is a fair reading of Retzlaff's papers that he is stating that he needs a
11 *Pro Bono* attorney to challenge Counsel for Plaintiff to some sort of contest relating to who owns a
12 domain for a Texas attorney unrelated to this suit named Jeffrey Dorell.

13
14 Without a statement of indigence and relevant facts under penalty of perjury compelling an
15 appointment of the District's limited and important *Pro Bono* Counsel, on this particular case, at that,
16 the application fails as a matter of law. Of course, at this point, where Retzlaff's papers are no more
17 than *ad hominem* attacks on Counsel and Retzlaff refuses to put any of his false, mischaracterized,
18 irrelevant, impertinent materials under penalty of perjury, along with his materials that are put publicly
19 on PACER that are designed to create a scandal, the court should ignore his pleadings in toto.

20
21 Retzlaff has no respect for the court or counsel, and treats this suit like a joke. He has no respect
22 for the judicial process, and has said that litigation is his hobby quite a few times over the years.

23
24 Counsel applies to the court at this time to strike documents 89 and 90.

25
26 By way of information to the Court, Counsel states three things: First, it is fascinating that Mr.
27 Retzlaff, and his confederates Mr. Camp and Ms. Basko knew about an 11 pm incident with my wife's

1 computer at the Public Defender's Office BEFORE anyone else, including the Public Defender's Office
2 or the IT Department for the County of Ventura did.

3 I have begun working on a Rule 11 sanctions motion in this case.

4 And Counsel hopes to have a dismissal as to Defendant Lipton filed within the next few days.
5 The parties are at the point of fine-tuning verbiage.

6
7 **DECLARATION OF JASON S. LEIDERMAN**

- 8 1. I am an attorney duly licensed to practice law in the State of California. I represent Plaintiffs
9 ViaView, Inc. and its employees, including co-Plaintiff James McGibney.
10 2. The above statements of facts are true and correct to the best of my knowledge within the
11 meanings of FRCP Rules 11 and 12.

12
13 I declare under penalty of perjury under the laws of the State of California and the United States
14 of America that the foregoing is true and correct. Executed on November 13, 2014, at Ventura,
15 California.

16
17 By: /s/ Jay Leiderman

18 JASON S. LEIDERMAN

19 Counsel for Plaintiffs ViaView and James McGibney
20
21
22
23
24
25
26
27
28